

## **THURSDAY, APRIL 9, 1981**

### **THIRTY-SECOND LEGISLATIVE DAY**

The House met at 10:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Robert H. Dills, Curve Baptist Church, Ripley, Tennessee.

Representative Dills led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present ..... 95

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

The Speaker announced that Representative Kelley was excused because of personal business.

The Speaker announced that Representative Murphy (Shelby) was excused because of business.

### **MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 155, 352, 382, 575, 590, 719, 720, 752, 774 and 835; also, House Joint Resolutions Nos. 89, 123 and 132; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

### **MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.

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141—To amend Section 36-409, Code; substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

373—To regulate use, blood grouping tests, court proceedings;

665—To amend Emergency Medical Services Act;

1142—To enact "Conservation Easement Act of 1981"; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.

77—To make certain provisions, bail; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.

178—To make certain provisions, Consolidated Retirement System; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.

228—To amend Chapter 8, Title 36, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.

429—To amend Section 37-258, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill No.

688—To make certain provisions, ferry service; substituted for Senate Bill on same subject, amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolutions Nos.

- 126—Relative to memory, Dr. Walter M. Mitchell;
- 131—Relative to congratulating McKenzie Board of Education;
- 133—Relative to honoring Ed and Bernice Shalett;
- 134—Relative to memory, Dr. William Patton;
- 136—Relative to congratulating Ross Spears;
- 138—Relative to commending Dan Ivins;
- 139—Relative to honoring Sam Stoner;
- 140—Relative to congratulating Memphis Central boys basketball team;
- 141—Relative to congratulating Booker T. Washington girls basketball team;
- 142—Relative to memory, Dr. Jack E. Wells;
- 143—Relative to memory, Hollin E. Williams;
- 153—Relative to designating "Ramp Festival Day";
- 160—Relative to memory, A. Gaines Morton; all concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos.

- 1027—To make certain provisions, waste management;
- 1243—To amend Charter, Hohenwald;
- 1245—To provide for subdivision of land, Norris;
- 1246—To repeal Chapter 280, Private Acts, 1972;
- 1252—To levy tax on lodgings, Coffee County;
- 1255—To make certain provisions, general session court, Loudon County;

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1258—To amend Charter, Kenton;

1259—To amend Charter, Parrottsville; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

### MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 155, 316, 318, 523, 559 and 941; also, Senate Joint Resolutions Nos. 73, 78, 79, 84, 85, 86, 87, 88 and 108; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

### ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 392, 692, 991, 1250, 1254, 1257 and 1260; and House Joint Resolutions Nos. 35 and 178; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
*Chief Engrossing Clerk.*

### SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 392, 692, 991, 1250, 1254, 1257 and 1260; House Joint Resolutions Nos. 35 and 178; Senate Bills Nos. 155, 316, 318, 523, 559 and 941; and Senate Joint Resolutions Nos. 73, 78, 79, 84, 85, 86, 87, 88 and 108.

### CALENDAR

House Bill No. 428—To grant visitation rights, certain stepparents.

Mr. Murphy (Davidson) moved that House Bill No. 428 be passed on third and final consideration.

Mr. Murphy (Davidson) moved to amend as follows:

#### AMENDMENT NO. 1

Amend House Bill No. 428 by deleting the period at the end of the first sentence of the amendatory language of Section 1 and substituting instead the following:

and that such stepparent is actually providing or contributing towards the support of such child.

AND FURTHER AMEND by deleting Section 2 in its entirety.

On motion, the amendment was adopted.

Thereupon, House Bill No. 428, as amended, passed its third and final consideration by the following vote:

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Ayes .....	88
Noes .....	2
Present and not voting .....	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—88.

Representatives voting no were: Chiles and Lowe—2.

Representatives present and not voting were: DeBerry, Sterling and Wix—3.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 879—To regulate disposals of interest in Real Estate.

On motion, House Bill No. 879 was made to conform with Senate Bill No. 989.

On motion, Senate Bill No. 989, on same subject, was substituted for House Bill No. 879.

Mr. Sterling moved that Senate Bill No. 989 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 989 by adding the following language at the end of the amendatory language of Section 1:

Provided, further, however such policies which permit the disposal of any interest, without the approval by the commission, shall not include disposal or conveyance in any manner of any interest or rights in minerals, coal, natural gas, oil and any other energy related resources.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 989 by inserting the word and punctuation “timber,” between the word “oil,” and the word “and” in the amendatory language of Section 1 as amended.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 989, as amended, passed its third and final consideration by the following vote:

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Ayes .....	95
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

House Bill No. 826—To regulate issuance of money order.

Mr. Sterling moved that House Bill No. 826 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

House Bill No. 506—To authorize maximum attendance standards, schools.

On motion, House Bill No. 506 was made to conform with Senate Bill No. 361.

On motion, Senate Bill No. 361, on same subject, was substituted for House Bill No. 506.

Mr. Love moved that Senate Bill No. 361 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley,

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Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work and Yelton—95.

A motion to reconsider was tabled.

House Bill No. 631—To permit fingerprints of juveniles, felonious acts.

Mr. King (Washington) moved that House Bill No. 631 be passed on third and final consideration.

Mr. Murphy (Shelby) moved to amend as follows:

### AMENDMENT NO. 1

Amend House Bill No. 631 by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

A child may be fingerprinted and photographed without permission of the court in the investigation of any act which would constitute a felony if committed by an adult provided such felony is a Class X Felony or such child has been previously found to have twice committed an act which would constitute a felony if committed by an adult.

On motion, the amendment was adopted.

Thereupon, House Bill No. 631, as amended, passed its third and final consideration by the following vote:

Ayes .....	87
Noes .....	7

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Martin, Miller, Montgomery, Moore, Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—87.

Representatives voting no were: Bell (Knox), Brewer, DeBerry, McKinney, Murphy (Davidson), Pruitt and Spence—7.

A motion to reconsider was tabled.

House Resolution No. 17—Relative to studying farm lands owned, Department of Corrections.

Mr. Davis (Gibson) moved that House Resolution No. 17 be adopted, which motion prevailed by the following vote:

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Ayes .....	94
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Usery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

On motion, Senate Bill No. 134 was recalled from the Committee on Judiciary.

House Bill No. 1056—To provide installment payments under garnishment law.

On motion, House Bill No. 1056 was made to conform with Senate Bill No.134.

On motion, Senate Bill No. 134, on same subject, was substituted for House Bill No. 1056.

Mr. McKinney moved that Senate Bill No. 134 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Usery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

House Bill No. 592—To amend Section 2-5-208(2), Code.

Mr. Frensley moved that House Bill No. 592 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark



(Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

Mr. Kent moved that House Bill No. 951 be placed on the Calendar for Thursday, April 16, 1981, which motion prevailed.

House Bill No. 296—To make certain provisions, rail safety.

Mr. Lashlee moved that House Bill No. 296 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 296 by renumbering present Section 5 to be Section 6 and adding a new Section 5, as follows:

SECTION 5. This act shall not apply to unit trains (solid trains of one commodity) of fifteen hundred feet (1500') or less in length when the consist contains no hazardous materials, nor shall it apply to passenger trains or designated yard assignments performing yard transfer, industrial switching and/or interchange movements when all movements are within yard limits.

On motion, the amendment was adopted.

Mr. Cobb moved the previous question, which motion failed by the following vote:

Ayes .....	48
Noes .....	41
Present and not voting .....	4

Representatives voting aye were: Bell (Wilson), Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Ellis, Frensley, Gill, Henry (Roane), Hillis, Hurley, Johnson, Jones, Kernell, King (Shelby), Lashlee, Love, Lowe, McKinney, Martin, Miller, Moore, Naifeh, Owen, Phillips, Pickering, Pruitt, Robinson (Hamilton), Robinson (Washington), Spence, Stallings, Sterling, Tanner, Turner, Wallace, Wheeler, Wix, Work and Yelton—48.

Representatives voting no were: Akard, Baker, Bell (Knox), Bewley, Bivens, Carter, Chiles, Clark (Sumner), Davis (Gibson), Dills, Duer, Duncan, Ford, Gaia, Harrill, Henry (Blount), Hudson, Huskey, Jared, Kent, King (Washington), McAfee, McNally, Montgomery, Murphy (Davidson), Murray, Percy, Robertson, Robinson (Davidson), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Ussery, Webb, Whitson, Wolfe and Wood—41.

Representatives present and not voting were: Bragg, Brewer, Richardson and Mr. Speaker McWherter—4.

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Mr. Gill moved the previous question, which motion prevailed by the following vote:

Ayes .....	66
Noes .....	25
Present and not voting .....	4

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Frensley, Gaia, Gill, Hillis, Hudson, Hurley, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, Martin, Miller, Montgomery, Moore, Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Spence, Stallings, Sterling, Tanner, Turner, Wallace, Webb, Whitson, Withers, Wix, Work and Yelton—66.

Representatives voting no were: Bell (Knox), Chiles, Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Huskey, Jared, McAfee, McNally, Murphy (Davidson), Percy, Rhinehart, Robertson, Robinson (Davidson) Scruggs, Small, Smith, Stafford, Ussery, Wheeler, Wolfe and Wood—25.

Representatives present and not voting were: Brewer, Richardson, Starnes and Mr. Speaker McWherter—4.

Thereupon, House Bill No. 296, as amended, passed its third and final consideration by the following vote:

Ayes .....	51
Noes .....	41
Present and not voting .....	5

Representatives voting aye were: Akard, Bell (Wilson), Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Ellis, Gaia, Gill, Harrill, Hillis, Hurley, Jones, Kernell, King (Shelby), Lashlee, Love, Lowe, McKinney, Miller, Moore, Murphy (Davidson), Owen, Phillips, Pickering, Pruitt, Robinson (Hamilton), Shirley, Shockley, Spence, Stallings, Sterling, Turner, Ussery, Wheeler, Whitson, Withers, Wix, Work and Yelton—51.

Representatives voting no were: Baker, Bell (Knox), Bewley, Bivens, Chiles, Clark (Sumner), Copeland, Crain, Dills, Duer, Duncan, Ford, Frensley, Henry (Blount), Henry (Roane), Hudson, Huskey, Johnson, Kent, King (Washington), McAfee, McNally, Martin, Montgomery, Murray, Naifeh, Percy, Richardson, Robertson, Robinson (Washington), Scruggs, Severance, Small, Smith, Stafford, Tanner, Wallace, Webb, Wolfe, Wood and Mr. Speaker McWherter—41.

Representatives present and not voting were: Bragg, Jared, Rhinehart, Robinson (Davidson) and Starnes—5.

A motion to reconsider was tabled.

House Bill No. 158—To provide for levy, motor vehicle privilege tax.

On motion, House Bill No. 158 was made to conform with Senate Bill No. 95.

On motion, Senate Bill No. 95, on same subject, was substituted for House Bill No. 158.

Mr. Bragg moved that Senate Bill No. 95 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 95 by adding the following amendatory section to the bill before the effective date section, to be appropriately numbered:

Tennessee Code Annotated, Section 5-8-102, is further amended by deleting the first two sentences of subsection (c) in their entirety and substituting instead the following:

Any such motor vehicle privilege tax levied or increased under the provisions of this chapter shall only be levied or increased by resolution of the county legislative body. Such resolution by its terms shall either require approval by a vote of the county legislative body voting at two consecutive meetings or require approval by a majority of the number of qualified voters of the county voting in an election on the question of whether or not such tax shall be levied. If the tax levy is to be submitted to the qualified voters for approval, the resolution shall not become operative until approved in an election herein provided in such county. The county legislative body shall direct the county election commission to call such election to be held in a regular election or in a special election for the purpose of approving or rejecting such tax levy, and a majority vote of those voting in the election shall determine whether the resolution is to be operative.

On motion, the amendment was adopted.

Mr. DePriest moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 95 by adding the following new section immediately preceeding the last section and by renumbering the subsequent section accordingly:

Section—. The provisions of this act shall apply only to counties having a population of not less than 59,400 nor more than 59,500 according to the 1970 federal census of population or any subsequent federal census.

Mr. Naifeh moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes .....	73
Noes .....	15
Present and not voting .....	5

Representatives voting aye were: Akard, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Sumner), Cobb, Crain, Davidson, Davis (Hamilton), Davis (Pickett), Disspayne, Duer, Ellis, Ford, Frensey, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Love, Lowe, McAfee, McNally, Martin, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Stafford, Stallings, Sterling, Tanner, Userry, Webb, Wheeler, Whitson, Withers, Wix, Wood, Yelton and Mr. Speaker McWherter—73.

Representatives voting no were: Baker, Covington, Davis (Gibson), DeBerry, DePriest, Dills, Duncan, Lashlee, Miller, Small, Spence, Turner, Wallace, Wolfe and Work—15.

Representatives present and not voting were: Brewer, Clark (Davidson), Owen, Percy and Pickering—5.

Mr. DePriest moved to amend as follows:

### AMENDMENT NO. 3

Amend Senate Bill No. 95 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section—. Any proceeds from the tax or increase of such tax permitted by this act shall be used exclusively for the repair and maintenance of county roads.

Mr. King (Washington) moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes .....	69
Noes .....	20
Present and not voting .....	2

Representatives voting aye were: Akard, Bell (Knox), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Crain, Davidson, Davis (Hamilton), Davis (Pickett), Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Henry (Roane), Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Martin, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wood, Yelton and Mr. Speaker McWherter—69.

Representatives voting no were: Baker, Bell (Wilson), Carter, Covington, Davis (Gibson), DeBerry, DePriest, Dills, Harrill, Hillis, King (Shelby), Miller, Moore, Pickering, Shirley, Small, Stafford, Turner, Wolfe and Work—20.

Representatives present and not voting were: Brewer and Percy—2.

Mr. DePriest moved to amend as follows:

### AMENDMENT NO. 4

Amend Senate Bill No. 95 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section—. The provisions of this act shall not apply in any county having a population of:

not less than	nor more than
63,700	63,800
24,200	24,300
29,000	29,100
22,100	22,200
21,900	22,000
12,000	12,100
6,750	6,800

according to the 1970 federal census of population or any subsequent federal census of population.

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Mr. King (Washington) moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes .....	39
Noes .....	30
Present and not voting .....	18

Representatives voting aye were: Bewley, Bivens, Bragg, Buck, Clark (Davidson), Crain, Davidson, Ellis, Frensley, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, King (Shelby), King (Washington), Love, Lowe, McNally, Martin, Naifeh, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Smith, Tanner, Webb, Wheeler, Whitson, Wix, Wood and Mr. Speaker McWherter—39.

Representatives voting no were: Akard, Bell (Wilson), Brewer, Clark (Sumner), Cobb, Davis (Gibson), DeBerry, DePriest, Disspayne, Duer, Duncan, Gaia, Henry (Blount), Jared, McKinney, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Owen, Phillips, Small, Spence, Stallings, Sterling, Turner, Ussery, Wolfe and Work—30.

Representatives present and not voting were: Baker, Burnett, Covington, Dills, Ford, Huskey, Johnson, Kent, Kernell, Lashlee, McAfee, Percy, Richardson, Robertson, Shockley, Starnes, Wallace and Yelton—18.

Ms. DeBerry moved that the House stand in adjournment until 5:00 p.m. Monday, which motion failed by the following vote:

Ayes .....	27
Noes .....	57

Representatives voting aye were: Bewley, Bivens, Byrd, Carter, Clark (Davidson), Clark (Sumner), Covington, DeBerry, Duncan, Ford, Gill, Harrill, Hudson, Huskey, Jones, Kent, Montgomery, Owen, Percy, Pruitt, Robinson (Hamilton), Small, Spence, Stafford, Turner, Whitson and Yelton—27.

Representatives voting no were: Akard, Baker, Bell (Knox), Bell (Wilson), Bragg, Buck, Burnett, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Disspayne, Duer, Ellis, Frensley, Henry (Blount), Henry (Roane), Hillis, Hurley, Jared, Johnson, King (Shelby), Lashlee, Love, Lowe, McAfee, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Phillips, Pickering, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Stallings, Starnes, Sterling, Tanner, Wallace, Webb, Wheeler, Wix, Wolfe, Wood, Work and Mr. Speaker McWherter—57.

Mr. Bragg moved that Senate Bill No. 95 be placed on the Calendar for Thursday, April 16, 1981, which motion prevailed.

The Speaker announced that Representative Davis (Hamilton) was excused for the remainder of today's session because of a death in the family.

House Joint Resolution No. 100—Relative to study, Central Cancer Registry Project.

Mr. Starnes moved that House Joint Resolution No. 100 be adopted.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Joint Resolution No. 100 by deleting from the caption the words "a

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Special House Joint Committee” and substituting instead the words “a committee.”

AND FURTHER AMEND by deleting the sixth clause of the preamble in its entirety.

AND FURTHER AMEND by deleting the following language from the first resolving clause:

“That a special committee to consist of three (3) members of the House of Representatives and three (3) members of the senate be appointed by the respective speakers to conduct a study of the Tennessee Central Cancer Registry Project.”

and substituting instead the following language:

That a committee to consist of three (3) members of the House General Welfare Committee and three (3) members of the Senate General Welfare and Human Resources Committee, be appointed by the respective speakers to conduct a study relative to the creation of the Tennessee Central Cancer Registry Project.

AND FURTHER AMEND by deleting from the second resolving clause the words “special joint.”

AND FURTHER AMEND by deleting from the third resolving clause the word “legislative,” and the words “special joint.”

AND FURTHER AMEND by deleting from the fourth resolving clause the word “special.”

AND FURTHER AMEND by deleting the period at the end of the fourth resolving clause and adding the following language: “. in January, 1982.”

On motion, the amendment was adopted.

Thereupon, House Joint Resolution No. 100, as amended, was adopted by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

House Bill No. 593—To amend Section 2-6-115, Code.

Mr. Frensley moved that House Bill No. 593 be passed on third and final consideration.

Mr. Webb moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 593 by inserting the following new paragraph to Section 1:

Tennessee Code Annotated, Section 2-6-115, is further amended by inserting the following new paragraph after the second paragraph of such section:

On or before the fourth day before each election, the county election commission shall send to each newspaper of general circulation in such county a complete, alphabetically arranged list by precinct of all persons who voted absentee by personal appearance and also of all persons who voted absentee by mail.

On motion, the amendment was adopted.

Mr. Richardson moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 593 by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-6-115, is amended by deleting the paragraph which reads as follows:

“For each election the county election commission shall publish in a newspaper of general circulation, on the fourth day before election day or as near thereto before election day as possible, a complete, alphabetically arranged list by precinct of all persons who voted absentee by personal appearance and also of all persons who voted absentee by mail.”

and substituting instead the following:

For each election the county election commission shall publish in a newspaper of general circulation, on the fourth day before election day or as near thereto before election day as possible, a complete, alphabetically arranged list by precinct of all persons who voted absentee by personal appearance and also of all persons who voted absentee by mail. The heading of such list shall be printed in twelve (12) point. The names on the list shall be printed in six (6) point type with seven (7) point leading between the lines.

Mr. Chiles moved that the Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes .....	38
Noes .....	51

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bivens, Byrd, Carter, Chiles, Clark (Sumner), Cobb, Copeland Dills, Ellis, Frensley, Harrill, Henry (Blount), Hudson, Hurley, Huskey, Jared, Kent, McAfee, Moore, Murphy (Davidson), Rhinehart, Scruggs, Severance, Shockley, Small, Smith, Stafford, Sterling, Turner, Ussery, Webb, Wheeler, Wix and Wood—38.

Representatives voting no were: Bewley, Bragg, Brewer, Buck, Burnett, Clark (Davidson), Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Duncan, Ford, Gaia, Gill, Henry (Roane), Hillis, Johnson, Jones, King (Shelby), Lashlee, Love, Lowe, McKinney, McNally, Miller, Montgomery, Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Shirley, Stallings, Starnes, Tanner, Wallace, Whitson, Wolfe, Work, Yelton and Mr. Speaker McWherter—51.

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Ms. Gaia moved the previous question on the amendment, which motion failed by the following vote:

Ayes .....	56
Noes .....	33
Present and not voting .....	3

Representatives voting aye were: Bell (Wilson), Bivens, Bragg, Buck, Burnett, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Disspayne, Duncan, Ellis, Gaia, Gill, Henry (Blount), Hillis, Hudson, Johnson, Jones, Kent, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, Martin, Miller, Montgomery, Murray, Naifeh, Percy, Phillips, Pickering, Pruitt, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Spence, Stallings, Sterling, Tanner, Wallace, Webb, Wheeler, Whitson, Wix, Work and Yelton—56.

Representatives voting no were: Akard, Baker, Bell (Knox), Byrd, Carter, Chiles, Clark (Sumner), Copeland, Dills, Duer, Ford, Frensley, Harrill, Henry (Roane), Hurley, Huskey, Jared, McAfee, Moore, Murphy (Davidson), Owen, Rhinehart, Robertson, Scruggs, Severance, Shirley, Small, Smith, Stafford, Turner, Ussery, Wolfe and Wood—33.

Representatives present and not voting were: Kernell, Starnes and Mr. Speaker McWherter—3.

Ms. DeBerry moved the previous question, on Amendment No. 2, which motion prevailed.

Thereupon, Amendment No. 2 was adopted by the following vote:

Ayes .....	50
Noes .....	42
Present and not voting .....	1

Representatives voting aye were: Bewley, Bragg, Brewer, Buck, Burnett, Carter, Clark (Davidson), Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Ford, Gaia, Gill, Henry (Roane), Huskey, Johnson, Jones, Lashlee, Love, Lowe, McKinney, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Naifeh, Owen, Phillips, Pickering, Pruitt, Richardson, Robertson, Robinson (Hamilton), Spence, Starnes, Sterling, Tanner, Ussery, Wallace, Whitson, Work, Yelton and Mr. Speaker McWherter—50.

Representatives voting no were: Akard, Baker, Bell (Knox), Bell (Wilson), Bivens, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Dills, Duncan, Ellis, Frensley, Harrill, Henry (Blount), Hillis, Hudson, Hurley, Jared, Kent, King (Washington), McAfee, McNally, Murray, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Turner, Webb, Wheeler, Wix, Wolfe and Wood—42.

Representative present and not voting was: Percy—1.

Mr. Buck moved to amend as follows:

### AMENDMENT NO. 3

Amend House Bill No. 593 by adding a new section, as follows, to be numbered appropriately immediately before the effective date section and renumbering the effective date section accordingly:



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Section.— If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Thereupon, House Bill No. 593, as amended, passed its third and final consideration by the following vote:

Ayes .....	81
Noes .....	9
Present and not voting .....	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, King (Washington), Lashlee, Lowe, McAfee, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Percy, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Wolfe, Wood, Work and Yelton—81.

Representatives voting no were: Brewer, DeBerry, Love, McKinney, Phillips, Pruitt, Spence, Whitson and Mr. Speaker McWherter—9.

Representatives present and not voting were: Covington and Owen—2.

A motion to reconsider was tabled.

House Joint Resolution No. 99—Relative to continuing study, Vocational Education.

Mr. Starnes moved that House Joint Resolution No. 99 be adopted, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Johnson, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

A motion to reconsider was tabled.

House Bill No. 1098—To authorize certain cities to contract for city services.

Mr. Tanner moved that House Bill No. 1098 be passed on third and final consideration,

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which motion prevailed by the following vote:

Ayes .....	90
Noes .....	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—90.

Representatives voting no were: DeBerry and Gaia—2.

A motion to reconsider was tabled.

House Bill No. 1075—To provide rate of interest on judgements.

Mr. Tanner moved that House Bill No. 1075 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

House Bill No. 1126—To change boundary line, Marshall and Giles counties.

Mr. DePriest moved that House Bill No. 1126 be passed on third and final consideration.

Mr. DePriest moved to amend as follows:

### AMENDMENT NO. 1

Amend House Bill No. 1126 by deleting Section 2 in its entirety, and substituting instead the following:

SECTION 2. This act shall have no effect unless it is approved by a two thirds (2/3) vote of the county legislative body of Giles County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body of Giles County and certified by him to the Secretary of State.

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SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Mrs. Lowe moved that Amendment No. 1 be tabled, which motion prevailed.

Mr. McKinney moved that House Bill No. 1126 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. DePriest moved that House Bill No. 1048 be placed on the Calendar for Thursday, April 16, 1981 which motion prevailed.

House Bill No. 1244—To enact the Agricultural Development Act.

Mr. Robinson (Washington) moved that House Bill No. 1244 be passed on third and final consideration.

Mr. Pickering moved to amend as follows:

### AMENDMENT NO. 1

Amend House Bill No. 1244 by deleting from Section 3 the definitions of the terms "Agricultural enterprise" and "Loan insurer" or "loan guarantor" in their entirety and substituting instead the following new definitions of such terms:

"Agricultural enterprise" means the acquisition, reconstruction or improvement of land or buildings or other improvements thereto, or any combination thereof, and any breeding stock and machinery or equipment necessary or suitable for use in farming, ranching, the production of agricultural commodities (including the products of aquaculture and silvaculture) or necessary and suitable for treating, processing, storing or transporting raw agricultural commodities.

"Loan insurer" or "loan guarantor" means an agency, department, administration or instrumentality, corporate or otherwise, of or in the Department of Housing and Urban Development, the Farmers Home Administration of the Department of Agriculture or the Veterans Administration of the United States of America, any private mortgage insurance company or any other public or private agency which insures or guarantees loans.

AND FURTHER AMEND by deleting the directory language of Section 5 in its entirety and substituting instead the following new directory language:

Section 5. Tennessee Code Annotated, Section 4-31-104, is amended by adding the following new items to be appropriately numbered after the existing items of such section:

AND FURTHER AMEND by deleting from item (1) of the amendatory language of Section 5 the words "from any department" and substituting instead the words "from any public or private entities, including any department".

AND FURTHER AMEND by changing the period (.) at the end of item (4) of the amendatory language of Section 5 to a semi-colon (;).

AND FURTHER AMEND by deleting from item (5) of the amendatory language of Section 5 the word "and" appearing after the words and punctuation "authority is a party;".

AND FURTHER AMEND by deleting from item (8) of the amendatory language of Section 5 the words "obligation held by the authority relative to an agricultural enterprise." and

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substituting instead the words "obligation is held by the authority pursuant to the agricultural loan program;"

AND FURTHER AMEND by adding to item (11) of the amendatory language of Section 5 the words "notes or" after the words "interest on any" and before the words "bonds issued by".

AND FURTHER AMEND by adding to item 11 of the amendatory language of Section 5 the word "and" after the semicolon.

AND FURTHER AMEND by deleting from Section 6(a) (2) the words "a person or related person" and substituting instead the words "finance a single agricultural enterprise".

AND FURTHER AMEND by deleting from Section 6(b) the following words and figures:

"if the principal amount of the loan made to a person or related person plus the aggregate principal amount of any other loan or loans made to such person or related persons under this act exceeds five hundred thousand dollars (\$500,000)"

and substituting instead the following words and figures:

if the principal amount of the loan made to a person plus the aggregate principal amount of any other outstanding loan or loans made to such person or other persons under this act exceeds five hundred thousand dollars (\$500,000).

AND FURTHER AMEND by adding to Section 7(a) (4) the words "notes or" after the words "interest on the" and before the words "bonds be insured".

AND FURTHER AMEND by deleting from the first sentence of Section 7(b) the words "for certain agricultural" and substituting instead the words "for agricultural".

AND FURTHER AMEND by deleting from Section 7(b) (2) the words "by lenders lenders in such amounts" and substituting instead the words "by lenders in such amounts".

AND FURTHER AMEND by deleting from Section 8(a) the words and punctuation "in an aggregate principal amount not to exceed thirty million dollars (\$30,000,000)." and substituting instead a period (.).

AND FURTHER AMEND by adding at the end of the second paragraph of Section 8(b) the following language:

The bonds may be additionally secured by a pledge of any grant, contribution or guarantee from the federal government or any corporation, association, institution or person or a pledge of any money, income or revenue of the authority from any source.

AND FURTHER AMEND by deleting Section 9 of the bill in its entirety and renumbering the subsequent sections accordingly.

AND FURTHER AMEND by deleting from the original Section 13 the words and figures "and Sections 6 through 12 as" and substituting instead the words and figures "and Sections 6 through 11 as".

On motion, the amendment was adopted.

Thereupon, House Bill No. 1244, as amended, passed its third and final consideration by the following vote:

Ayes ..... 90

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Noes .....	1
Present and not voting .....	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—90.

Representative voting no was: Copeland—1.

Representative present and not voting was: Frensley—1.

A motion to reconsider was tabled.

House Bill No. 1105—To amend Section 53-2432, Code.

Mr. Stallings moved that House Bill No. 1105 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	76
Noes .....	10
Present and not voting .....	3

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), DePriest, Dills, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kent, Kernell, King (Washington), Lashlee, Lowe, McAfee, McNally, Miller, Montgomery, Moore, Murray, Naifeh, Percy, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—76.

Representatives voting no were: Brewer, DeBerry, Disspayne, Henry (Blount), King (Shelby), Murphy (Davidson), Pruitt, Robinson (Hamilton), Spence and Withers—10.

Representatives present and not voting were: Bell (Knox), Owen and Pickering—3.

A motion to reconsider was tabled.

House Bill No. 729—To amend Section 51-233, Code.

Mr. Hillis moved that House Bill No. 729 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	89
Noes .....	2
Present and not voting .....	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner),

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Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—89.

Representatives voting no were: Stafford and Wix—2.

Representatives present and not voting were: Frensley and Pickering—2.

A motion to reconsider was tabled.

House Bill No. 728—To amend Title 51, Sections 220, 439 and 501, Code.

On motion, House Bill No. 728 was made to conform with Senate Bill No. 1177.

On motion, Senate Bill No. 1177, on same subject, was substituted for House Bill No. 728.

Mr. Hillis moved that Senate Bill No. 1177 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	87
Noes .....	5
Present and not voting .....	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—87.

Representatives voting no were: Crain, Davis (Gibson), Phillips, Robinson (Washington) and Wix—5.

Representative present and not voting was: Frensley—1.

A motion to reconsider was tabled.

House Bill No. 553—To make certain provisions, medical assistance.

Mr. Buck moved that House Bill No. 553 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

### AMENDMENT NO. 1

Amend House Bill No. 553 by deleting the word “may” in the fourth line of paragraph

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(d) of Section 2, and by substituting instead the word "shall" and by inserting between the words "months" and "in accordance" in the sixth line of said paragraph the following:

"from the date of application if permitted by federal regulations or otherwise from the date of transfer";

**AND FURTHER AMEND** by adding a new paragraph (e) in Section 2 to read as follows:

"In any case when the uncompensated value of disposed of resources is \$12,000 or less, the department of public health, in cooperation with the department of human services, shall by regulation establish a period of ineligibility of not less than 6 months nor more than 24 months from the date of application if permitted by federal regulations or otherwise from the date of transfer in accordance with the provisions of Title XIX of the Social Security Act."

On motion, the amendment was adopted.

Mr. Buck moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 553 by adding the following sections:

- (f) In the event that any resource, or interest therein, is given away or sold for less than fair market value by a person holding a power of attorney by the owner of the resource or interest such resource or interest shall not be counted as a resource to the owner of the property pursuant to paragraphs (a) through (e) of this Section under the following circumstances:
- 1) the power of attorney was not executed for the purpose of establishing or continuing Medicaid eligibility;
  - 2) the owner of the property has, at the time of the transfer, neither actual nor constructive knowledge of the transfer or is unable because of mental or physical incapacity to take reasonable and necessary steps to prevent such sale or transfer.
- (g) If any resource or interest therein is given away or sold for less than fair market value by a person holding a power of attorney by the owner of such resource the sale or gift shall be set aside by a court of competent jurisdiction as being in fraud of the state upon motion of the State of Tennessee or of any party representing the owner of the resource unless the person holding the power of attorney proves by a preponderance of the evidence that the sale or gift was exclusively for some other purpose than the establishment or continuance of Medicaid eligibility.
- (h) In addition to the requirements of Paragraph (g) the person exercising the power of attorney and the person to whom the resource is given or sold for less than fair market value shall be jointly and severally liable to the State of Tennessee for any costs incurred by it in providing Medicaid benefits to the owner of the resource until such time as the conveyance is set aside, for any costs, including attorney fees, court costs, and any other related expenses, incurred by it in having the conveyance set aside, and for any losses incurred as a result of any damage, destruction, expenditure, waste, transfer of the resources or other act of the persons involved which diminishes the value of the resource. Provided however, that such liability shall be limited to the actual value of the resource.

On motion, the amendment was adopted.

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Thereupon, House Bill No. 553, as amended, passed its third and final consideration by the following vote:

Ayes .....	87
Noes .....	4
Present and not voting .....	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—87.

Representatives voting no were: DeBerry, Ellis, Pruitt and Spence—4.

Representative present and not voting was: Robinson (Davidson)—1.

A motion to reconsider was tabled.

House Bill No. 1019—To regulate health maintenance organizations. .

Mr. McNally moved that House Bill No. 1019 be passed on third and final consideration.

Mr. Murphy (Davidson) moved to amend as follows:

### AMENDMENT NO. 1

Amend House Bill No. 1019 by adding the following new section:

"Section:—The intent of this act is in no way to imply that a Health Maintenance organization is an insurance company."

On motion, the amendment was adopted.

Thereupon, House Bill No. 1019, as amended, passed its third and final consideration by the following vote:

Ayes .....	91
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.



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A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to request the return of House Bill No. 146, for further consideration.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

On motion of Mr. Rhinehart, House Bill No. 146 was recalled from the Governor's office.

David H. Welles, Chief Clerk  
House of Representatives  
Office of Chief Clerk  
Nashville, Tennessee

Dear Mr. Welles,

As requested by the House of Representatives, I am hereby returning House Bill No. 146.

Sincerely,

Lamar Alexander

On motion of Mr. Rhinehart, House Bill No. 146 was returned to the Senate as requested.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 178—To amend Sections 8-34-302 and 8-34-310, Code.

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 178 by adding the following new section immediately preceding Section 23 and by renumbering subsequent sections accordingly:

Section—. Tennessee Code Annotated, Title 8, Chapter 35, Part 1 is amended by adding the following new sections:

Section—. Notwithstanding any provision of law to the contrary, no employee or elected or appointed official of the state or any political subdivision thereof shall be entitled to receive retirement benefits from the Tennessee Consolidated retirement system, any superseded retirement system or any other public pension system if such employee or official is convicted of a state or federal offense arising out of his employment or official capacity which is a felony during such employee's or official's tenure or term of office. Upon conviction of such offense, such person's contributions plus earnings to such systems shall be refunded and there shall be no further obligation upon the state or any political subdivision thereof to provide retirement benefits to such persons.

Section—. After the effective date of this act, it shall be a condition precedent to membership in the Tennessee Consolidated retirement system and all other pension systems of the state and any political subdivision thereof that such member shall forfeit all retirement benefits thereunder upon conviction of a state or federal offense arising out of his employment or official capacity which is a felony.

Mr. Rhinehart moved that the House non-concur in Senate Amendment No. 2, which motion prevailed.

Messrs. Hudson and Martin asked to be recorded as voting no on the motion to non-concur in Senate Amendment No. 2 to House Bill No. 178.

### HOUSE BILL ON SENATE AMENDMENT

House Bill No. 942—To set compensation for writing of credit insurance.

### SENATE AMENDMENT NO. 6

Amend House Bill No. 942 by adding to Section 1 thereof the following new paragraph:

All other terms used herein shall have the meaning generally ascribed to them in the insurance industry.

Mr. Lashlee moved that the House concur in Senate Amendment No. 6, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kent, Kernell, King (Washington), Lashlee, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Usery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

A motion to reconsider was tabled.

### MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

569—To provide for proficiency testing, certain students; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

### HOUSE BILL ON SENATE AMENDMENT

House Bill No. 569—To provide for proficiency testing, certain students.

### SENATE AMENDMENT NO. 1

Amend House Bill No. 569 by deleting the second paragraph of Section 2 in its entirety and substituting instead the following:

For students graduating from high school in the 1982-1983 school year, and each

year thereafter, the state board shall establish the minimum passing score.

Mr. Lashlee moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes .....	79
Noes .....	10

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kent, Kernell, Lashlee, McAfee, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—79.

Representatives voting no were: Bewley, DeBerry, Harrill, King (Washington), Lowe, McKinney, Pruitt, Robinson (Washington), Spence and Webb—10.

A motion to reconsider was tabled.

### MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

663—To enact the “Certified Public Weigher Law”; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

### HOUSE BILL ON SENATE AMENDMENT

House Bill No. 663—To enact the “Certified Public Weigher Law”.

### SENATE AMENDMENT NO. 4

Amend House Bill No. 663 by deleting Sections 1 through 16 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 62, is amended by adding a new chapter, to be comprised of Sections 2 through 15.

SECTION 2. This act shall be known and may be cited as the “Certified Public Weigher Law of 1981.”

SECTION 3. For the purposes of this act:

(1) “Department” means the department of agriculture of the state of Tennessee;

(2) “Commissioner” means the commissioner of agriculture or his duly appointed representative;

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(3) "Producer and supplier" means any individual, firm, partnership, corporation, company, association, or governmental entity which engages in the production and/or sale of natural resources products;

(4) "Certified Public Weigher" means a natural person licensed under the provisions of this act;

(5) "Natural resources product" means crushed stone, sand, gravel, cement, concrete, asphalt, and other construction materials related to highway construction and/or other construction projects or construction purposes so long as materials are produced at a central location for commercial or highway use, and are measured by ton, cubic yard, or metric weights.

### SECTION 4.

(a) Every producer and supplier of natural resources products shall have in its employ at least one (1) or more certified public weighers licensed by the department.

(b) All natural resources products sold by such producer and supplier shall be accurately weighed or measured by a certified public weigher licensed by the department.

### SECTION 5.

(a) A person may be licensed as a certified public weigher who:

(1) is a citizen of the United States and a resident of the state of Tennessee; and

(2) is not less than eighteen (18) years of age; and

(3) has the ability to weigh accurately and make correct weight or measurement records; and

(4) has received from the commissioner a license as a certified public weigher.

(b) An application for a license as a certified public weigher shall be made upon a form provided by the commissioner and the application shall furnish evidence that the applicant meets the qualifications required by this section.

SECTION 6. The commissioner shall adopt and establish rules and regulations for determining the qualifications of applicants for license as certified public weigher and to otherwise enforce the provisions of this act. The commissioner may pass upon the qualifications of the applicant upon the basis of the information supplied in the application, or the commissioner may examine such applicant orally or in writing, or both for the purpose of determining his qualifications. The commissioner shall keep a record of all such applications and of all licenses issued thereon.

All rules and regulations under this act shall be promulgated by the commissioner, pursuant to the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

### SECTION 7.

(a) Before the issuance of any license as a certified public weigher, or any renewal thereof, the applicant shall pay to the department an annual fee of ten dollars (\$10.00). All funds collected under the provisions of this act shall be credited to the department to be used as expendable receipts in the enforcement of this act.

(b) Before the issuance of any license as a Certified Public Weigher, such applicant shall furnish bond in the amount of five thousand dollars (\$5,000) with surety by a corporate bonding company authorized to do business in this state, to assure that all his responsibilities are carried out in accordance with the provisions hereof, which are considered to be a part of any such bond.

SECTION 8. Annual licenses for certified public weigher shall be issued to expire on the thirty-first (31st) day of December next succeeding the date of issuance; provided, that any such license shall be valid through the thirty-first (31st) day of January, of the succeeding year or until issuance of the renewed license, whichever event first occurs, if the holder thereof shall have filed a renewal application with the commissioner on or before the fifteenth (15th) day of December next succeeding the date of issuance.

SECTION 9. Each certified public weigher shall, before entering upon his duties, make oath to execute faithfully his duties and file the same with the commissioner. The issuance of a license as a certified public weigher shall not oblige the state to pay the licensee any compensation for his services as a certified public weigher. Each certified public weigher shall register with the commissioner a copy of his official signature and shall, at his own expense, provide himself with a seal. His name and the word "Tennessee" shall be inscribed around the outer margin of the seal. The word "Certified Public Weigher", and the license number, shall appear in the center thereof.

SECTION 10. The certified public weigher's license shall be posted near the scale beam or indicator in full view at all times. A certified public weigher shall be the only person allowed to operate the scale or weight recording equipment. In case of batch weights, the certified weigher shall observe all measurements and count all batches to determine the total gross weight including vehicle.

SECTION 11. The certified public weigher shall sign his official registered signature and place his seal on a copy of record. This copy of record shall be the ticket delivered to the purchaser of materials. The seal shall be placed on the copy of record with a rubber stamp or with an imprinting type stamp.

SECTION 12. The producer or supplier shall cause to be inspected, at intervals of not more than six (6) months, each weighing device used by producers and suppliers for the weighing of natural resource products as defined in this act. The inspection of the scales shall be performed by a certified scale technician of a licensed scale company, or by an employee of the Tennessee Department of Agriculture or Transportation, whose duty it is to check scales.

SECTION 13. Gross weights for truck or tractor trailer vehicles shall be determined by axle limitations as prescribed in Tennessee Code Annotated, Section 55-11-203(6). A three percent (3%) tolerance, over the maximum gross weight as prescribed in Tennessee Code Annotated, Section 55-11-203(6), may be permitted when the natural resources product is transported over a street or public highway other than the portion designated as the interstate system. A certified public weigher will not be subject to any liability for measurement variance which falls within such three percent (3%) tolerance, but shall be responsible for measurement variance in excess of the three percent (3%) tolerance.

#### SECTION 14.

(a) It shall be a violation for a certified weigher to measure trucks in excess of weights as prescribed in Section 13.

(b) It shall be a violation for a certified weigher to make flagrant or fraudulent

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recordings of measurements of weight or capacity.

(c) Violations of this act shall be reported to the commissioner.

(d) A penalty of fifty dollars (\$50) shall be assessed against the certified public weigher for each infraction deemed to be a violation of this act by the commissioner. A certified public weigher's license may be revoked upon a finding of any such violation.

(e) Producers and suppliers of natural resources products which do not weigh or measure such products in accordance with Section 4(b) shall pay a penalty of fifty dollars (\$50) for each such violation.

SECTION 15. All penalties collected under the provisions of this act shall be remitted to the department of revenue, as are tax receipts and treated as such by that department.

SECTION 16. This act shall take effect May 1, 1981, the public welfare requiring it.

Mr. Lashlee moved that the House concur in Senate Amendment No. 4, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

A motion to reconsider was tabled.

### MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 96—Relative to congratulating William C. Talley; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

Mr. Wolfe moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 96 out of order, which motion prevailed.

Senate Joint Resolution No. 96—Relative to congratulating William C. Talley.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Wolfe, the resolution was concurred in.

A motion to reconsider was tabled.

## INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 181—Relative to memory, J. W. Gallagher—By Phillips.

Under the rules, House Joint Resolution No. 181 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 182—Relative to honoring Anita Knight—By King (Shelby), DeBerry, Kernell, Brewer, Shirley, Jones, Kent, Moore, Turner, Small, Spence, Withers, Murphy (Shelby), Gill, Gaia, Byrd and Wolfe.

Under the rules, House Joint Resolution No. 182 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 183—Relative to honoring Tennessee Temple University basketball team—By Robinson (Hamilton), Starnes, McAfee, Carter, Copeland, Wood and Davis (Hamilton).

Under the rules, House Joint Resolution No. 183 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 184—Relative to honoring Baylor High School wrestling team—By Hudson, McAfee, Starnes, Carter, Davis (Hamilton), Wood, Robinson (Hamilton) and Copeland.

Under the rules, House Joint Resolution No. 184 was referred to the Committee on Calendar and Rules.

House Resolution No. 27—Relative to honoring Dr. John Gaventa—By Murphy (Davidson).

Under the rules, House Resolution No. 27 was referred to the Committee on Calendar and Rules.

House Resolution No. 28—Relative to requesting study, taxation, mineral deposits—By Murphy (Davidson).

The Speaker referred House Resolution No. 28 to the Committee on Conservation and Environment.

## INTRODUCTION OF BILLS

House Bill No. 1273—To amend "Shelby County Restructure Act"—By Gill, Kernell, Byrd, Moore, Martin, King (Shelby), Brewer, Naifeh, Gaia, Jones, Murphy (Shelby), Kent and Withers.

Passed first consideration.

House Bill No. 1274—To reorganize divisions of Shelby County government—By Gill, Small, Martin, King (Shelby), Byrd, Gaia, Kent, Withers, Kernell, Brewer, Naifeh, Turner, Jones, Sterling and Moore.

Passed first consideration.

House Bill No. 1275—To authorize a tax on certain products, Carter County—By Percy, King (Washington) and Whitson.

Passed first consideration.

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House Bill No. 1276—To compensate general sessions court clerk, Cocke County—By Ford and Bewley.

Passed first consideration.

House Bill No. 1277—To vest exclusive jurisdiction, chancery court, Montgomery County—By Pickering and Ussery.

Passed first consideration.

House Bill No. 1278—To regulate chancery court, Sumner County—By Wix and Clark (Sumner).

Passed first consideration.

House Bill No. 1279—To amend Section 7-52-302, Code—By Wheeler.

Passed first consideration.

House Bill No. 1280—To name "Clarence B. Robinson Bridge", Chattanooga—By Davis (Hamilton), Starnes, McAfee, Wood, Carter, Copeland and Mr. Speaker McWherter.

Passed first consideration.

### **SENATE BILLS ON FIRST CONSIDERATION**

Senate Bill No. 373—To regulate use, blood grouping tests, court proceedings.

Passed first consideration.

Senate Bill No. 665—To amend Emergency Medical Services Act.

Passed first consideration.

### **HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 1268—To create Gadsden Special School District.

Passed second and held without reference.

House Bill No. 1269—To impose certain privilege tax, Fayette County.

Passed second and held without reference.

House Bill No. 1270—To amend fees, registers in certain counties.

Passed second and referred to Committee on State and Local Government.

House Bill No. 1271—To compensate mayor, City of Trenton.

Passed second and held without reference.

House Bill No. 1272—To provide for enforcement, alcoholic beverage laws.

Passed second and referred to Committee on State and Local Government.

### **MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.



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243—To enact Teachers' Sick Leave Bank Act; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill No.

357—To amend Section 36-415, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MOTION**

On motion of Mr. Wix, House Bill No. 1278 was withdrawn from the House.

**REPORT OF DELAYED BILLS COMMITTEE**

Pursuant to Rule No. 76, the Delayed Bills Committee has met and approved House Bills Nos. 1279 and 1280 for consideration by the appropriate standing committee.

Ned R. McWherter

James M. Henry

S. Thomas Burnett

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos.

253—To amend Title 53, Chapter 20, Code;

320—To amend Section 45-3-705, Code;

353—To amend Title 49, Chapter 9, Code;

417—To amend Section 56-33-106, Code;

612—To make certain provisions, unemployment compensation; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos. 392, 692, 991, 1250, 1254, 1257 and 1260; also, House Joint Resolution No.35; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1268, 1269 and 1271.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 544—Buck

House Bill No. 545—Buck

House Bill No. 1075—Murphy (Davidson)

House Bill No. 1244—Severance

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 178; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

**REPORT OF CHIEF ENGROSSING CLERK**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 155, 352, 382, 575, 590, 719, 720, 752, 774 and 835; and House Joint Resolutions Nos. 89, 123, 132 and 178; for his action.

MARILYN EVELYN HAND,  
*Chief Engrossing Clerk.*

**MESSAGE FROM THE GOVERNOR**

MR. SPEAKER:

I am directed by the Governor to return herewith: House Joint Resolution No. 178 with his approval.

JULIA GIBBONS,  
*Counsel to the Governor.*

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, April 13, 1981: House Bills Nos. 760, 355, 926, 945, 602, 709, 604, 793, 792, 413, 1129, 344 and 1205.

GILL, *Chairman.*

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 296, 428, 553, 592, 593, 631, 729, 826, 1019, 1075, 1098, 1105 and 1244; and House Joint Resolutions Nos. 99 and 100; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
*Chief Engrossing Clerk.*

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 392, 692, 991, 1250, 1254, 1257 and 1260; and House Joint Resolution No. 35; for his action.

MARILYN EVELYN HAND,  
*Chief Engrossing Clerk.*

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 4, 99, 369, 538 and 549 with his approval.

JULIA GIBBONS,  
*Counsel to the Governor.*

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.

91—Relative to congratulating Coach Jerry White and basketball team;

93—Relative to honoring Dr. J. Eldred Wiser;

95—Relative to commending Ronnie Shannon;

97—Relative to commending Lewis R. Donelson;

98—Relative to commending William B. Sansom;

101—Relative to congratulating Coach Buck Van Huss and boys basketball team;

102—Relative to congratulating Lewis H. Conner, Jr.;

103—Relative to sympathy, Mrs. Jo Anne Clark;

104—Relative to congratulating Coach Horace Burchett and girls basketball team;

105—Relative to congratulating Coach Fred Horton and boys basketball team;

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106—Relative to welcoming former President Gerald Ford; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

Without objection, Senate Joint Resolutions Nos. 91, 93, 95, 97, 98, 101, 102, 103, 104, 105 and 106 were referred to the Committee on Calendar and Rules.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

189—To amend Section 67-3012, Code;

323—To authorize pictured drivers' licenses;

412—To amend Section 55-10-403, Code;

771—To amend Title 14, Chapter 1, Code;

929—To amend Tennessee Medical Laboratory Act;

948—To regulate pay, certain State employees;

1049—To increase privilege taxes, beer, bottled soft drinks;

1117—To regulate fees, Board of Pharmacy;

1144—To define "handicapped child";

1174—To repeal Section 8-34-609, Code; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

On motion of Mr. McKinney the House adjourned until 5:00 p.m., Monday, April 13, 1981.